

7-9-2013

## State v. Bias Clerk's Record v. 1 Dckt. 40930

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Vol. 1 of 3  
LAW CLERK

IN THE  
SUPREME COURT  
OF THE  
STATE OF IDAHO

State of Idaho

Plaintiff/Respondent

Vs

William Bias

Defendant/Appellant

*Appealed from the District Court of the Seventh Judicial  
District of the State of Idaho, in and for Madison County*

*Honorable Gregory W Moeller District Judge*

*Idaho State Appellate Public Defender*

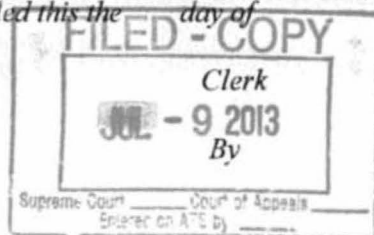
*Attorney for Appellant*

*Idaho Attorney General*

**SEE AUGMENTATION RECORD**

*Attorney for Respondent*

Filed this the day of , 2013



Deputy

410930

IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO	)	
	)	
Plaintiff-Respondent	)	
	)	SUPREME COURT CASE NO. 40930
VS	)	MADISON CASE NO. CR-2012-2873
	)	
WILLIAM BIAS	)	
	)	
Defendant-Appellant	)	
	)	

---

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the 7<sup>th</sup> Judicial District of the State of Idaho, in and for  
THE  
COUNTY OF MADISON

GREGORY W. MOELLER  
DISTRICT JUDGE

ATTORNEY FOR APPELLANT

Idaho State Public Defender  
3050 Lake Harbor Lane, Suite 100  
Boise, ID 83703

ATTORNEY FOR RESPONDENT

Idaho Attorney General  
PO Box 83720  
Boise, ID 83720-0010

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STIPULATION FOR CONTINUANCE  
FILED NOVEMBER 5, 2012

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9/5/2012	New Case Filed - Felony	Mark S. Rammell
	Prosecutor assigned Sid D Brown	Mark S. Rammell
	Arraignment / First Appearance	Mark S. Rammell
	Warrant Issued - Arrest Bond amount: 25000.00 Defendant: Bias, William Jack	Mark S. Rammell
	Case Sealed	Mark S. Rammell
	STATUS CHANGED: Inactive	Mark S. Rammell
	Warrant Returned Defendant: Bias, William Jack	Mark S. Rammell
	Case Un-sealed	Mark S. Rammell
	STATUS CHANGED: Pending	Mark S. Rammell
	Minute Entry	Mark S. Rammell
	Hearing type: Hearing	
	Hearing date: 9/6/2012	
	Time: 9:55 am	
	Minutes Clerk: Angie Wood	
	Notifcation of Rights	Gregory W Moeller
	Affidavit of Probable cause of Sgt. Gary Hagen	Gregory W Moeller
	Conditions of Bond and Order	Gregory W Moeller
9/6/2012	Arraignment / First Appearance	Mark S. Rammell
	Hearing Scheduled (Preliminary Hearing 09/19/2012 11:15 AM)	Mark S. Rammell
	Notice Of Hearing	Mark S. Rammell
9/19/2012	Minute Entry	Mark S. Rammell
	Hearing type: Preliminary Hearing	
	Hearing date: 9/19/2012	
	Time: 11:22 am	
	Minutes Clerk: Rainey	
	Prosecutor: Sid Brown	
	Continued	Mark S. Rammell
	Continued (Preliminary Hearing 10/10/2012 11:15 AM)	Mark S. Rammell
	Notice Of Hearing	Mark S. Rammell
	Bond Posted - Surety (Amount 25000.00 )	Mark S. Rammell
10/10/2012	Minute Entry	Mark S. Rammell
	Hearing type: Preliminary Hearing	
	Hearing date: 10/10/2012	
	Time: 11:17 am	
	Minutes Clerk: Lori Ann Lewis	
	Prosecutor: Sid Brown	
	Hearing result for Preliminary Hearing scheduled on 10/10/2012 11:15 AM:	Mark S. Rammell
	Continued	
10/18/2012	Hearing Scheduled (Preliminary Hearing 10/30/2012 04:00 PM)	Mark S. Rammell
	Notice Of Hearing	Mark S. Rammell
10/30/2012	Minute Entry Preliminary Hearing	Gregory W Moeller
	Amended Complaint Filed	Gregory W Moeller

Date: 12/10/2013

Seventh Judicial District Court - Madison County

User: GWEN

Time: 03:33 PM

ROA Report

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Case: CR-2012-0002873 Current Judge: Gregory W Moeller

Defendant: Bias, William Jack

State of Idaho vs. William Jack Bias

Felony

Date		Judge
10/31/2012	Defendant: Bias, William Jack Appearance R. James Archibald	Mark S. Rammell
	Defendant: Bias, William Jack Order Appointing Public Defender Public defender R. James Archibald	Mark S. Rammell
	Continued (Preliminary Hearing 11/07/2012 11:30 AM)	Mark S. Rammell
	Notice Of Hearing	Mark S. Rammell
	Order Appointing Public Defender	Mark S. Rammell
11/5/2012	Stipulation for Continuance	Mark S. Rammell
11/7/2012	Order for Continuance	Mark S. Rammell
11/15/2012	Continued (Preliminary Hearing 11/28/2012 03:00 PM)	Mark S. Rammell
	Notice Of Hearing	Mark S. Rammell
11/19/2012	Notice of Jury Trial and Scheduling Order	Gregory W Moeller
11/28/2012	Minute Entry Hearing type: Preliminary Hearing Hearing date: 11/28/2012 Time: 1:13 pm Minutes Clerk: Rainey Defense Attorney: R. Archibald Prosecutor: Sid Brown	Mark S. Rammell
	Hearing result for Preliminary Hearing scheduled on 11/28/2012 03:00 PM: Preliminary Hearing Waived (bound Over)	Mark S. Rammell
	Bound Over to District Court	Gregory W Moeller
	Hearing Scheduled (Arraignment 12/03/2012 09:00 AM)	Gregory W Moeller
	Notice Of Hearing	Gregory W Moeller
11/29/2012	Prosecuting Attorney Information	Gregory W Moeller
	Request For Discovery	Gregory W Moeller
12/3/2012	Minute Entry Hearing type: Arraignment Hearing date: 12/3/2012 Time: 9:27 am Courtroom: Brent J. Moss District Court Court reporter: David Marlow Minutes Clerk: Angie Wood Defense Attorney: R. Archibald Prosecutor: Sid Brown	Gregory W Moeller
	Hearing result for Arraignment scheduled on 12/03/2012 09:00 AM: Continued	Gregory W Moeller
12/6/2012	Hearing Scheduled (Arraignment 12/10/2012 09:00 AM)	Gregory W Moeller
12/10/2012	Minute Entry Hearing type: Arraignment Hearing date: 12/10/2012 Time: 9:02 am Courtroom: Brent J. Moss District Court Court reporter: David Marlow Minutes Clerk: Kris Rainey Defense Attorney: R. Archibald Prosecutor: Sid Brown	Gregory W Moeller

Date: /2013

Seventh Judicial District Court - Madison County

User: GWEN

Time: 03:33 PM

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Case: CR-2012-0002873 Current Judge: Gregory W Moeller

Defendant: Bias, William Jack

State of Idaho vs. William Jack Bias

Felony

Date		Judge
12/10/2012	Hearing result for Arraignment scheduled on 12/10/2012 09:00 AM: Hearing Held	Gregory W Moeller
	Hearing result for Arraignment scheduled on 12/10/2012 09:00 AM: Appear & Plead Not Guilty	Gregory W Moeller
	Hearing Scheduled (Pre-Trial 01/14/2013 11:00 AM)	Gregory W Moeller
	Hearing Scheduled (Jury Trial 02/13/2013 09:00 AM)	Gregory W Moeller
1/14/2013	Minute Entry Hearing type: Pre-Trial Hearing date: 1/14/2013 Time: 12:24 pm Courtroom: Brent J. Moss District Court Court reporter: David Marlow Minutes Clerk: Angie Wood Defense Attorney: R. Archibald Prosecutor: Sid Brown	Gregory W Moeller
	Hearing result for Pre-Trial scheduled on 01/14/2013 11:00 AM: District Court Hearing Held Court Reporter: David Marlow Number of Transcript Pages for this hearing estimated:	Gregory W Moeller
1/25/2013	Hearing Scheduled (Pre-Trial 01/28/2013 11:00 AM)	Gregory W Moeller
1/28/2013	Minute Entry Hearing type: Pre-Trial Hearing date: 1/28/2013 Time: 11:33 am Courtroom: Brent J. Moss District Court Court reporter: David Marlow Minutes Clerk: Angie Wood Tape Number: Defense Attorney: R. Archibald Prosecutor: Sid Brown	Gregory W Moeller
	Continued (Jury Trial 02/27/2013 09:00 AM)	Gregory W Moeller
	Hearing result for Pre-Trial scheduled on 01/28/2013 11:00 AM: District Court Hearing Held Court Reporter: David Marlow Number of Transcript Pages for this hearing estimated:	Gregory W Moeller
	Notice of Jury Trial and Scheduling Order	Gregory W Moeller
2/7/2013	Hearing Scheduled (Pre-Trial 02/11/2013 11:00 AM)	Gregory W Moeller
2/11/2013	Minute Entry Hearing type: Pre-Trial Hearing date: 2/11/2013 Time: 12:48 pm Courtroom: Brent J. Moss District Court Court reporter: David Marlow Minutes Clerk: Angie Wood Tape Number: Defense Attorney: R. Archibald Prosecutor: Sid Brown	Gregory W Moeller

Date: /2013

Seventh Judicial District Court - Madison County

User: GWEN

Time: 03:33 PM

ROA Report

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Case: CR-2012-0002873 Current Judge: Gregory W Moeller

Defendant: Bias, William Jack

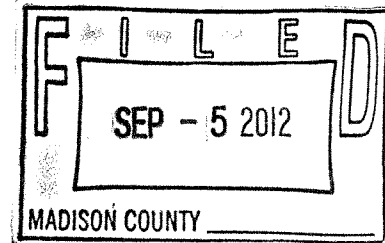
State of Idaho vs. William Jack Bias

Felony

Date		Judge
2/11/2013	Hearing result for Pre-Trial scheduled on 02/11/2013 11:00 AM: District Court Hearing Held Court Reporter: David Marlow Number of Transcript Pages for this hearing estimated: Hearing result for Jury Trial scheduled on 02/27/2013 09:00 AM: Hearing Vacated A Plea is Entered for Charge - GT (I18-8004 {F} Driving Under the Influence-(Third or Subsequent Offense)) Hearing Scheduled (Sentencing 03/18/2013 09:30 AM) PSI Order sent via e-m ail to State PSI e-mail group Notice Of Hearing Order for Pre-Sentence Investigation Report and Mental Health Assessment Order for Presentence Investigation Report and Substance Abuse Assessment	Gregory W Moeller Gregory W Moeller Gregory W Moeller Gregory W Moeller Gregory W Moeller Gregory W Moeller Gregory W Moeller
3/18/2013	Minute Entry Hearing type: Sentencing Hearing date: 3/18/2013 Time: 9:36 am Courtroom: Brent J. Moss District Court Court reporter: David Marlow Minutes Clerk: Angie Wood Defense Attorney: R. Archibald Prosecutor: Sid Brown Hearing result for Sentencing scheduled on 03/18/2013 09:30 AM: District Court Hearing Held Court Reporter: David Marlow Number of Transcript Pages for this hearing estimated: Sentenced To Incarceration (I18-8004 {F} Driving Under the Influence-(Third or Subsequent Offense)) Confinement terms: Penitentiary determinate: 5 years. Penitentiary indeterminate: 5 years. Judgment of Conviction	Gregory W Moeller Gregory W Moeller
4/2/2013	Guilty Plea Or Admission Of Guilt (I18-8004 {F} Driving Under the Influence-(Third or Subsequent Offense)) Dismissed by Motion of the Prosecutor with hearing (I18-1501(3) {F} Children-Injury to Child-Adult Transports Minor in Vehicle While Under the Influence)	Gregory W Moeller Gregory W Moeller
4/16/2013	Rule 35 Motion-Plea for Leniency Appealed To The Supreme Court	Gregory W Moeller Gregory W Moeller

SID D. BROWN # 2726  
Madison County Prosecuting Attorney

Aaron V. Davis # 7527  
Deputy Prosecuting Attorney  
159 East Main Street  
P. O. Box 350  
Rexburg, Idaho 83440  
(208) 356-7768



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON  
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM JACK BIAS ,  
3185 Romrell Lane  
Ammon, ID 83406

DOB [REDACTED]

SS#: [REDACTED]

Defendant.

Case No. CR-2012-2873

CRIMINAL COMPLAINT

The Madison County Prosecuting Attorney's Office having submitted, pursuant to Idaho Criminal Rule 3, the sworn affidavit of PFC Wynn Robison, City of Rexburg Police Department, who complains and alleges the Defendant, William Jack Bias , committed the following crime(s):

COUNT I.  
PART ONE  
OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL  
AND/OR DRUGS (THREE OR MORE WITHIN TEN YEARS), a FELONY  
Idaho Code § 18-8004

The Defendant, William Jack Bias, on or about September 4, 2012, in the County of Madison, State of Idaho, was in actual physical control of a motor vehicle upon a highway or street or upon public or private property open to the public while under the influence of alcohol and/or drugs or other intoxicating substances and/or in the alternative, was in actual physical control of a motor vehicle upon a highway or street or upon public or private property open to the public while having an alcohol concentration of .08 or greater, as shown by an analysis of his blood, urine or breath.

COUNT I, PART TWO  
FELONY STATUS  
Idaho Code § 18-8005(6)

(Penalty: up to 10 years in prison and/or \$5,000 fine, and 1-5 year license suspension)

The Prosecuting Attorney for Madison County further informs the Court that, upon conviction, the Defendant, WILLIAM JACK BIAS will have been convicted three or more times within the past ten (10) years for driving while under the influence, namely: April 29, 2010, in, North Dakota and January 25, 2012 in Montana, and is subject to the penalties for a felony offense.

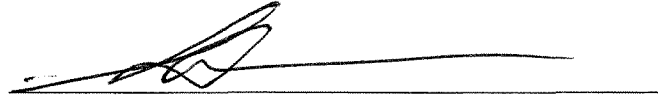
COUNT II.  
INJURY TO CHILDREN, a Misdemeanor  
Idaho Code § 18-1501(3)

(Punishment: up to 6 months in jail and/or up to \$1,000 fine)

The Defendant, WILLIAM JACK BIAS, a person over the age of eighteen years, on or about September 4, 2012, in the County of Madison, State of Idaho, did, transport a minor to wit [REDACTED] DO [REDACTED] in a motor vehicle while under the influence of alcohol and/or drugs, in violation of Idaho Code § 18-8004.

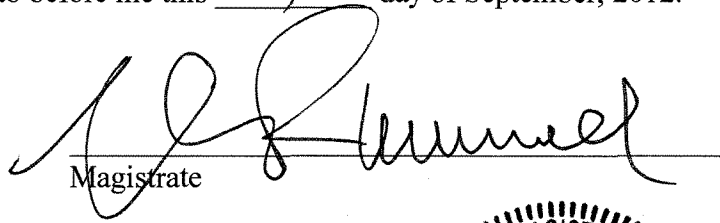
All of which is contrary to the form, force and effect of the Statute in such cases made and provided and against the peace and dignity of the State of Idaho. Said complainant therefore prays that a WARRANT be issued for the arrest of the said William Jack Bias, and that he may be dealt with according to the law.

DATED this 5<sup>th</sup> day of September, 2012.



Sid D. Brown  
Madison County Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 5 day of September, 2012.

  
Magistrate



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO  
IN AND FOR THE COUNTY OF MADISON  
MAGISTRATES DIVISION

NOTIFICATION OF RIGHTS

You have been charged with a criminal offense under the laws of the State of Idaho; you, therefore, have certain rights. **IT IS VERY IMPORTANT THAT YOU READ THIS NOTIFICATION OF YOUR RIGHTS AND UNDERSTAND THEM FULLY BEFORE SIGNING THIS DOCUMENT!** If you have any questions concerning these rights, do not hesitate to ask the judge when your case is called. It is essential that you understand.

*Initial on the blank line at the left of each number only those items which you understand.*

- W.B. 1. You have the right to remain silent and the privilege against self-incrimination, and you are advised that any statement you make is a part of the record and may be used against you.
- W.B. 2. You have the right to consult with and be represented by an attorney in these proceedings. A continuance will be granted today if you request it in order that you may seek the advice of an attorney and/or if you need more time to decide what plea to enter.
- W.B. 3. If you wish to be represented by an attorney, but feel you cannot afford an attorney, you may apply to the Court to appoint an attorney for you at county expense; however, you may have to eventually repay the county.
- W.B. 4. You have the right to represent yourself and present your own case without the aid of an attorney.
- W.B. 5. You have the right to plead "not guilty" or "guilty". Should you plead "guilty" but wish to make a statement in your behalf, prior to the entry of judgement, you have that right.
- W.B. 6. Under the law, you are presumed innocent unless you plead "guilty" or the State of Idaho proves your guilt beyond a reasonable doubt.
- W.B. 7. Should you plead "not guilty", you have the right to a trial by the court or before a jury. If your case goes to trial, the prosecuting attorney must prove your guilt beyond a reasonable doubt. You may bring witnesses (or compel their attendance by court order) or evidence on your behalf to the trial, and you will have the opportunity to confront and cross-examine witnesses testifying against you.
- W.B. 8. If you plead "guilty" and your plea is accepted by the Court, you will waive (give up) your right to a trial by the court or by jury, your legal presumption of innocence, your right to remain silent, your privilege against self-incrimination and your right to confront witnesses who may testify against you; additionally, you will give up or waive the rights you have in a trial as explained in paragraph #7.
- W.B. 9. If you are in custody:
- (a) You have the right to communicate with your immediate family and attorney, and a reasonable means will be provided for you to do so through the jailer.
  - (b) You have a right to bail which is an amount of money necessary to allow your release and assure your presence in court.
- W.B. 10. You have the right to appeal any final judgment made by this Court within 42 days from the date of the judgment.

By signing this document, I acknowledge that I have read it and that I fully understand my rights as indicated and that any questions I may have regarding these rights either have been answered to my satisfaction or I will ask them to the judge when my case is called in open court.

DATED and DONE this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_ o'clock \_\_\_\_m.

Will Blas

Defendant

SEP - 5 2012  
MADISON COUNTY

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON  
MAGISTRATE DIVISION

STATE OF IDAHO,  
  
Plaintiff,  
  
vs.  
  
WILLIAM JACK BIAS  
ADDRESS: 20113 Kremm Wood Drive  
Notus, ID 83656  
  
DOB: [REDACTED]  
SSN: [REDACTED]  
  
Defendant.

Case No. CR-2012-2813

AFFIDAVIT OF PROBABLE CAUSE  
OF SGT. GARY HAGEN

STATE OF IDAHO )  
 )  
 ) :SS  
County of Madison )

I, SGT GARY HAGEN, being first duly sworn, deposes and says:

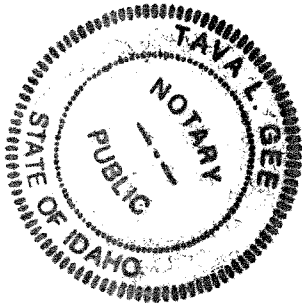
1. I am a Sergeant with the City of Rexburg Police Department, Rexburg, Madison County, Idaho, and as such am responsible to review reports from other officers in the Patrol Division of the Rexburg Police Department.
2. The information contained herein is true and correct to the best of my knowledge and belief.
3. I am a Sgt. with the Rexburg Police Department and have over 11 years of experience in law enforcement. I have specialized training in drug enforcement, including traffic drug recognition, canine training, drug behavior, impairment and am a field training officer and a certified instructor.
4. I have received and reviewed a Probable Cause Statement from PFC Wynn Robison, a Rexburg City Police Officer in the Patrol Division under my supervision. I have attached a copy of his Probable Cause Statement hereto as Exhibit "A" and incorporate it by reference herein.

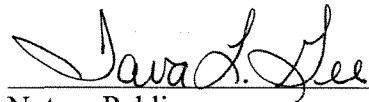
5. Based on the information I have received from Officer Robison, I believe there is probable cause to believe that William Bias has committed a felony DUI. Based on Defendant's criminal history and the fact that he had a felony DUI pending in Madison County when he was stopped for felony DUI, I am requesting a bond of at least \$100,000.

FURTHER YOUR AFFIANT SAYETH NOT.

  
Sgt. Gary Hagen  
City of Rexburg Police Department

SUBSCRIBED AND SWORN TO before me this 5<sup>th</sup> day of September, 2012.



  
Notary Public  
Residing at: Rexburg  
My Commission Expires: 5/15/2015

PC Found  
UnRammmed



# REXBURG POLICE DEPARTMENT

CHIEF SHANE TURMAN  
25 EAST MAIN ST, REXBURG  
Phone 208.359.3008  
Fax 208.359.3009



## PROBABLE CAUSE STATEMENT

DEFENDANT

DEFENDANT NAME: William Jack Bias  
DATE OF BIRTH: 4/25/1978 AGE: 34 SOC #: [REDACTED]  
DRIVERS LICENSE #: [REDACTED] STATE OF ISSUE: Idaho  
ADDRESS: [REDACTED]  
CITY: Notus STATE: Idaho ZIP: 83656

ARREST

DATE OF ARREST: 9/4/2012 TIME OF ARREST: 2255  
ADDRESS/LOCATION OF ARREST: US 20 m.p. 334  
CITY: Rexburg COUNTY: Madison STATE: Idaho

OFFENSES

OFFENSE: DUI CODE: 18-8004  
OFFENSE CATEGORY: ☐ Felony ☐ Misdemeanor ☐ On View ☐ Warrant  
OFFENSE: Driving without Privileges CODE: 18-8001  
OFFENSE CATEGORY: ☐ Felony ☐ Misdemeanor ☐ On View ☐ Warrant  
OFFENSE: Open Container - Liquor CODE: 23-505(1)  
OFFENSE CATEGORY: ☐ Felony ☐ Misdemeanor ☐ On View ☐ Warrant

AGENCY

ARRESTING OFFICER: Wynn Robison BADGE NO. 177  
AGENCY: Rexburg Police Department CASE NO. RPD20120804

### OFFICER'S PROBABLE CAUSE STATEMENT

On 09-04-2012 at 2244 hrs., I initiated a traffic stop on a Silver 2000 Pontiac Firebird southbound on U.S. 20 at milepost 334. The vehicle was drifting in its lane of travel, driving on top of the white, fog line, was under the speed limit and braked hard when approaching a curve in the road. I made contact with the driver and asked for his driver's license. The driver said he did not have a drivers license or any other identification. I could smell the distinct odor of alcohol coming from the vehicle. The driver gave his name as William J. Bias with a DOB of [REDACTED]. When asked for registration and insurance he said he was "not sure". I asked who owned the car and



# REXBURG POLICE DEPARTMENT

CHIEF SHANE TURMAN  
25 EAST MAIN ST, REXBURG  
Phone 208.359.3008  
Fax 208.359.3009



## PROBABLE CAUSE STATEMENT

he said he did. Bias had a juvenile, male passenger in the front, right, passenger seat. I asked where they were coming from and he said Ashton. I asked where they were headed and he said Ririe. I asked what his local address was and he said "I don't know". During this time he kept both of his hands on the steering wheel and continued to stare straight ahead, until I asked to look directly at his eyes. Bias's eyes were very red, glassy and watery. His speech was slow and he appeared somewhat lethargic. I asked if he had been drinking and he said "a little bit", when asked again how much he replied "a little bit".

I could see a bottle of Jack Daniels Whiskey and a six pack of mostly consumed Smirnoff mixed alcohol beverage bottles in the back seat. The seal on the whiskey bottle was broken and was partially empty. I asked who owned the alcohol and Bias said "that's mine". I asked if that was what he had been drinking and Bias said yes. I asked Bias to step from his vehicle in order to perform the Standard Field Sobriety tests. I asked Bias again how much he had to drink and he said "just a little bit" and then admitted to having a couple drinks of the alcohol in the car.

During the Horizontal Gaze Nystagmus test I observed the following in both of Bias's eyes: lack of smooth pursuit, angle of onset of nystagmus prior to 45 degrees, and distinct and sustained nystagmus at maximum deviation. There was no Vertical Gaze Nystagmus. During the Walk and Turn test Bias started too soon, missed heel to toe on five of his steps and temporarily lost his balance on one of his return steps. On the One Leg stand test Bias dropped his foot three times and did not continue counting out loud until told to stop, he stated he was done with the test after 27 seconds.

Bias was placed under arrest for suspicion of driving under the influence of alcohol. The passenger was identified as [REDACTED] with a date of birth of [REDACTED]. He stated he did not have a driver's license and was on probation through Nevada for a fight he got in at school. At first [REDACTED] denied having been drinking. [REDACTED] eyes were red and glassy. Nystagmus was noted in both of his eyes. [REDACTED] admitted to having taken a "big gulp" of the whiskey and Coke bottle located on the console between the front seats. [REDACTED] said the Coke bottle mixture was his dad's.

Bias was transported to the Police Department where the Advisory Form was read to him, he agreed to be tested and signed the form. The fifteen minute waiting period was completed and the Intoxilizer breath test was administered to Bias. The results of the test showed a B.A.C. of .107/.106. Bias has had two other DUI convictions within the last three years. He has a current pending DUI charge in Madison County. His Driver's License is currently suspended in Idaho and he has had at least two prior convictions for driving without privileges.

COURT MINUTES

CR-2012-0002873

State of Idaho vs. William Jack Bias

Hearing type: Hearing

Hearing date: 9/5/2012

Time: 4:15 pm

Judge: Mark S. Rammell

Courtroom:

Court reporter:

Minutes Clerk: Angie Wood

Tape Number:

Defense Attorney:

Prosecutor:

J INTRO

DEFENDANT ADVISED OF RIGHTS, CHARGES AND POSSIBLE PENALTIES

DEFENDANT IS HOPING THAT MR. SWAFFORD WILL CONTINUE TO REPRESENT HIM AND  
WILL LET THE COURT KNOW IF HE WANTS TO APPLY FOR A PUBLIC DEFENDER

DEFENDANT ADVISED OF RIGHT TO A PRELIM

DEFENDANT ENTERS NOT GUILTY PLEA TO MISD.

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON  
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM JACK BIAS

Defendant.

Case No. CR-2012-2873

CONDITIONS OF BOND  
AND ORDER

IT IS HEREBY ORDERED AND THIS DOES ORDER that bond in the above-entitled matter is hereby set at 25,000.00 with the following to be complied with as conditions of bond:

1. Defendant shall obey all laws of the State of Idaho and the United States of America;
2. Defendant shall keep in contact with his attorney;
3. Defendant shall appear for all court appearances;
4. Defendant shall have no contact whatsoever, either by himself or through other parties, with any of the State's witnesses;
5. Defendant shall not use or consume alcohol or controlled substances without a doctor's prescription;
7. Defendant shall not leave the State of Idaho without written permission from the Court;
8. Defendant shall provide the Court with his current address and shall not change his address without notifying the Court.

DATED this 4 day of September, 2012.



  
Magistrate Judge

COURT MINUTES

CR-2012-0002873

State of Idaho vs. William Jack Bias

Hearing type: Preliminary Hearing

Hearing date: 9/19/2012

Time: 11:22 am

Judge: Mark S. Rammell

Courtroom: Magistrate Courtroom

Minutes Clerk: Rainey

Prosecutor: Sid Brown

11:20 Introduction of Case

Defendant present in courtroom

Defendant requests continuance to hire counsel

Defendant waives right to speedy Preliminary Hearing

Continue this matter for 2 weeks



COURT MINUTES

CR-2012-0002873

State of Idaho vs. William Jack Bias

Hearing type: Preliminary Hearing

Hearing date: 10/10/2012

Time: 11:17 am

Judge: Mark S. Rammell

Courtroom:

Court reporter:

Minutes Clerk: Lori Ann Lewis

Tape Number:

Defense Attorney:

Prosecutor: Sid Brown

11:16 AM Introduction of case

Defendant has previously waived time

He took application for public defender

Reset this Preliminary Hearing

COURT MINUTES

CR-2012-0002873

State of Idaho vs. William Jack Bias

Hearing type: Preliminary Hearing

Hearing date: 10/30/2012

Time:: 4:19 pm

Judge: Mark S. Rammell

Courtroom:

Court reporter:

Minutes Clerk: Lori Ann Lewis

Tape Number:

Defense Attorney:

Prosecutor: Sid Brown

4:19 pm      Introduction of case

Defendant does not have counsel

Court will continue this and have the defendant fill out application for public defender

Defendant took application for public defender

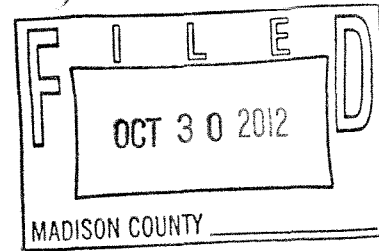
Defendant placed under oath and questioned on indigency

Court will appoint the public defender

Reset this matter for Preliminary Hearing

SID D. BROWN # 2726  
Madison County Prosecuting Attorney

Aaron V. Davis # 7527  
Deputy Prosecuting Attorney  
159 East Main Street  
P. O. Box 350  
Rexburg, Idaho 83440  
(208) 356-7768



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON  
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM JACK BIAS ,  
3185 Romrell Lane  
Ammon, ID 83406

DOB:

SS#:

Defendant.

Case No. CR-2012-2873

AMENDED CRIMINAL COMPLAINT

The Madison County Prosecuting Attorney's Office having submitted, pursuant to Idaho Criminal Rule 3, the sworn affidavit of PFC Wynn Robison, City of Rexburg Police Department, who complains and alleges the Defendant, William Jack Bias , committed the following crime(s):

COUNT I.  
PART ONE  
OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL  
AND/OR DRUGS (THREE OR MORE WITHIN TEN YEARS), a FELONY  
Idaho Code § 18-8004

The Defendant, William Jack Bias, on or about September 4, 2012, in the County of Madison, State of Idaho, was in actual physical control of a motor vehicle upon a highway or street or upon public or private property open to the public while under the influence of alcohol and/or drugs or other intoxicating substances and/or in the alternative, was in actual physical control of a motor vehicle upon a highway or street or upon public or private property open to the public while having an alcohol concentration of .08 or greater, as shown by an analysis of his blood, urine or breath.

COUNT I, PART TWO  
FELONY STATUS  
Idaho Code § 18-8005(6)

(Penalty: up to 10 years in prison and/or \$5,000 fine, and 1-5 year license suspension)

The Prosecuting Attorney for Madison County further informs the Court that, upon conviction, the Defendant, WILLIAM JACK BIAS will have been convicted three or more times within the past ten (10) years for driving while under the influence, namely: October 9, 2012, in Madison County, Idaho and January 25, 2012 in Montana, and is subject to the penalties for a felony offense.

COUNT II.  
INJURY TO CHILDREN, a Misdemeanor  
Idaho Code § 18-1501(3)

(Punishment: up to 6 months in jail and/or up to \$1,000 fine)

The Defendant, WILLIAM JACK BIAS, a person over the age of eighteen years, on or about September 4, 2012, in the County of Madison, State of Idaho, did, transport a minor to wit [REDACTED] DOB: [REDACTED] in a motor vehicle while under the influence of alcohol and/or drugs, in violation of Idaho Code § 18-8004.

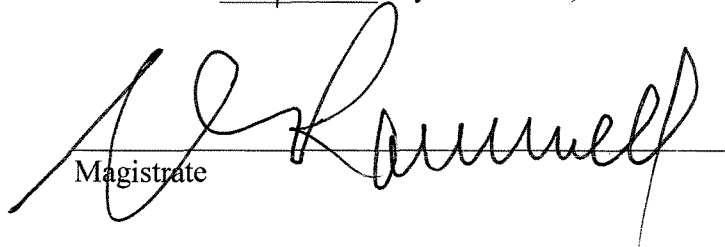
All of which is contrary to the form, force and effect of the Statute in such cases made and provided and against the peace and dignity of the State of Idaho. Said complainant therefore prays that a WARRANT be issued for the arrest of the said William Jack Bias, and that he may be dealt with according to the law.

DATED this \_\_\_\_ 30 day of October, 2012.

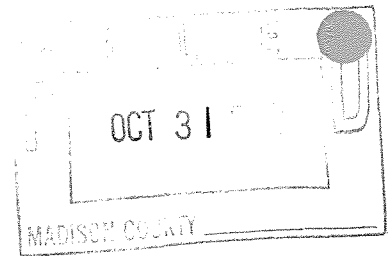


Sid D. Brown  
Madison County Prosecuting Attorney

SUBSCRIBED AND SWORN to before me this 30 day of October, 2012.

  
Magistrate

Seventh Judicial District Court, State of Idaho  
In and For the County of Madison  
159 E. Main  
Rexburg, Idaho 83440



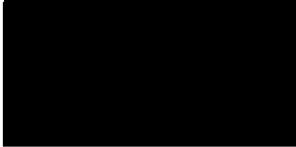
STATE OF IDAHO  
Plaintiff,

vs.

William Jack Bias  
3185 Romrell Lane  
Ammon, ID 83406

Defendant.

DOB:  
DL or SSN:



Citation No:

Case No: CR-2012-0002873

**ORDER APPOINTING PUBLIC DEFENDER**

The Court being fully advised as to the application of William Jack Bias, and it appearing to be a proper case,

**NOW, THEREFORE, IT IS ORDERED** that Attorney

R. James Archibald

525 9th Street  
Idaho Falls, Idaho 83404  
(208) 317-2908

Public Defender for the County of Madison, State of Idaho, a duly licensed attorney in the State of Idaho, is hereby appointed to represent said Defendant, William Jack Bias, in all proceedings in the above entitled case.

The Defendant is further advised that he/she may be required to reimburse the Court for all or part of the cost of court appointed counsel.

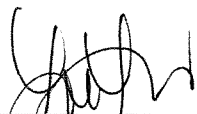
Date: 10-31-12

  
\_\_\_\_\_  
Judge

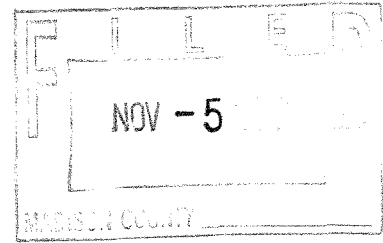
Copies to:

☒ Public Defender

☒ Prosecutor

  
\_\_\_\_\_  
Deputy Clerk

SID D. BROWN  
Madison County Prosecuting Attorney  
159 East Main Street  
P. O. Box 350  
Rexburg, Idaho 83440  
(208) 356-7768



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM JACK BIAS,

Defendant.


Case No. CR-2012-2873

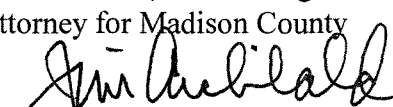
STIPULATION  
FOR CONTINUANCE

COMES NOW, the State of Idaho, by and through Sid D. Brown, Prosecuting Attorney for Madison County, and Defendant, William Jack Bias, by and through his attorney of record, R. James Archibald, by this stipulation hereby move the Court to continue the Preliminary Hearing currently set for Wednesday, November 7, 2012 at 11:30 a.m., for the reason that the investigating officer is in Salt Lake City for two weeks to an accident reconstruction class.

The Defendant has previously waived his statutory time in which to have his preliminary hearing.

DATED this 5<sup>th</sup> day of November, 2012.

  
Sid D. Brown, Prosecuting  
Attorney for Madison County

  
R. James Archibald, Attorney for the Defendant

NOV - 7 2012

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON  
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM JACK BIAS,

Defendant.

Case No. CR-2012-2873

ORDER FOR  
CONTINUANCE

The Stipulation for Continuance, having come before the Court and the Court having been fully advised and good cause appearing therefore;

IT IS HEREBY ORDERED AND THIS DOES ORDER that the Preliminary Hearing heretofore scheduled for November, 7, 2012 at 11:30 a.m., is hereby continued.

DATED this 7 day of November, 2012.

  
\_\_\_\_\_  
Judge



NOTICE OF ENTRY

I HEREBY CERTIFY that a true and correct copy of the foregoing ORDER FOR CONTINUANCE was on the 15 day of November, 2012, served upon the persons named below, at the address set out below their names, by mailing to them a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid.

Sid D. Brown  
Prosecuting Attorney  
for Madison County  
159 East Main Street  
P. O. Box 350  
Rexburg, Idaho 83440

R. James Archibald  
Attorney at Law  
525 9<sup>th</sup> Street  
Idaho Falls, Idaho 83404

KIM H. MUIR

By: 

Deputy

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

STATE OF IDAHO,

Plaintiff,

-vs.-

WILLIAM JACK BIAS,

Defendant.

Case No. CR-2012-0002873

**NOTICE OF JURY TRIAL AND  
SCHEDULING ORDER**

PLEASE TAKE NOTICE that the above-entitled case is hereby set for a **JURY TRIAL** to commence on the 13th day of February, 2013, at 9:00 a.m., for 2 days. Said trial will be held at the Madison County Courthouse in Rexburg, Idaho.

IT IS HEREBY ORDERED:

1. Discovery shall be expeditiously conducted in accordance with the provisions of Idaho Criminal Rule 16.
2. All pretrial motions must be filed in accordance with the provisions and time requirements of Idaho Criminal Rule 12. In all cases filed outside of Madison County, copies of all motions, briefs, notices, and proposed jury instructions must be lodged with the judge in Madison County.
3. Pursuant to Idaho Criminal Rule 18, a formal **PRETRIAL CONFERENCE**, will be held on the 14th day of January, 2013 at 11:00 a.m..
  - a. Counsel for the parties and the defendant shall appear *in person* before this Court for the pretrial conference. Failure of the defendant to appear at this pretrial conference will result in a forfeiture of bail and the Court shall issue a bench warrant. Counsel shall be prepared to discuss settlement possibilities and other matters that would promote a fair and expeditious trial.
  - b. The parties shall submit all proposed jury instructions and witness lists to the Court at the pretrial conference. Standard Idaho Criminal Jury Instructions (ICJI) may be submitted by listing each proposed instruction by its ICJI number. Any nonstandard instructions, or standard instructions which have been modified or tailored in any way (i.e., the elements of the offense or the verdict form), must be filed as a court set (not numbered) and as an attorney set (with blanks indicating whether the instruction was "given," "refused," etc.). Copies of the instructions should be sent by e-mail to the court clerk.
  - c. If either party intends to introduce evidence covered by Idaho Rules of Evidence 404, 405, 406, 410, 412, 608 or 609, that party must disclose such evidence to opposing counsel on or before the date of the pre-trial conference.


IT IS FURTHER ORDERED THAT NOT LATER THAN SEVEN (7) DAYS BEFORE TRIAL each attorney shall:

1. Exchange a descriptive list of exhibits proposed to offer into evidence.
2. Pre-file with the Clerk of the Court all exhibits they intend to introduce at trial, except those for impeachments.

IT IS HEREBY FURTHER ORDERED THAT

1. Prior to the commencement of trial, counsel for each party shall stipulate to those exhibits that may be received in evidence without objections, and the Clerk shall mark such exhibits "admitted."
2. No exhibits will be admitted into evidence at trial other than those disclosed, listed, and marked in accordance with this Order, except when offered for impeachment purposes.
3. Notices to prospective jurors will be mailed fourteen (14) days prior to the commencement of the trial. Any change of plea entered after that time may result in either or both parties being assessed the cost of postage, copies, and other court administrative expenses incurred in sending the juror notices.
4. This Order shall control the subsequent course of action unless modified for good cause shown to prevent manifest injustice.
5. The Court may impose appropriate sanctions for violation of this Order.
6. The Court will not grant continuances unless extraordinary circumstances exist and all parties waive their right to a speedy trial.

DATED this 19<sup>th</sup> day of November, 2012



GREGORY W. MOELLER  
District Judge

Copy: Prosecutor  
Defense Counsel

COURT MINUTES

CR-2012-0002873

State of Idaho vs. William Jack Bias

Hearing type: Preliminary Hearing

Hearing date: 11/28/2012

Time: 1:13 pm

Judge: Mark S. Rammell

Courtroom: Magistrate Courtroom

Court reporter:

Minutes Clerk: Rainey

Tape Number:

Defense Attorney: R. Archibald

Prosecutor: Sid Brown

1:12 pm      Introduction of Case

Defendant waives his right to a preliminary hearing

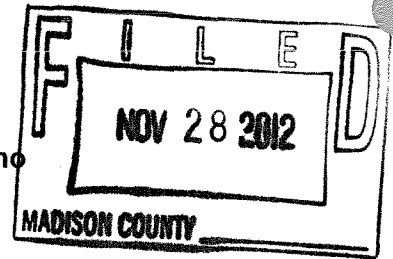
Bind over to District Court

Continue Pretrial Conference on Case CR-12-2993

Release Defendant today on all charges

No Alcohol or Illegal substance

Seventh Judicial District Court, State of Idaho  
In and For the County of Madison  
159 E. Main  
Rexburg, Idaho 83440



STATE OF IDAHO,  
Plaintiff.  
vs.

William Jack Bias  
3185 Romrell Lane  
Ammon, ID 83406

Defendant.  
DOB: [REDACTED]  
DL or SSN: [REDACTED]

Case No: CR-2012-0002873

ORDER BINDING OVER

The above named defendant having been brought before this court for a preliminary examination on the charge(s) of Driving Under the Influence-(Third or Subsequent Offense) I18-8004 F , a felony, and the said defendant having appeared before this Court and voluntarily waived his right to a preliminary examination, and the court sitting as a committing Magistrate, THEREFORE ORDERS that said defendant be held to answer on the charge before the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Madison.

Dated this 28<sup>th</sup> day of November, 2012.

A handwritten signature in cursive script, appearing to read "M S Rammell".

Mark S. Rammell  
Magistrate Judge

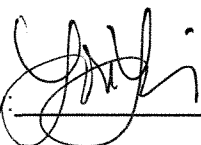
CERTIFICATE OF MAILING

I hereby certify that a copy of the foregoing ORDER BINDING DEFENDANT OVER was mailed or hand delivered to the following parties: Wednesday, November 28, 2012

Sid D Brown  
P.O. Box 350  
Rexburg, ID 83440

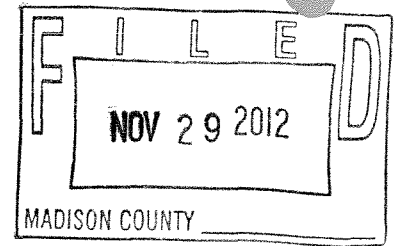
R. James Archibald  
525 9th Street  
Idaho Falls , ID, 83404

Kim H. Muir  
Clerk of the District Court

By:  \_\_\_\_\_

SID D. BROWN # 2726  
Madison County Prosecuting Attorney

159 East Main Street  
P. O. Box 350  
Rexburg, Idaho 83440  
(208) 356-7768



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

STATE OF IDAHO,

Plaintiff,

vs.

WILLIAM JACK BIAS,

Defendant.

Case No. CR-2012-2873

PROSECUTING  
ATTORNEY INFORMATION

WILLIAM JACK BIAS, is accused by the Prosecuting Attorney of the County of Madison, State of Idaho, by this Information of committing, prior to the filing of this Information, the following crime(s):

COUNT I.

PART ONE

OPERATING A VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL  
AND/OR DRUGS (THREE OR MORE WITHIN TEN YEARS), a FELONY

Idaho Code § 18-8004

The Defendant, William Jack Bias, on or about September 4, 2012, in the County of Madison, State of Idaho, was in actual physical control of a motor vehicle upon a highway or street or upon public or private property open to the public while under the influence of alcohol and/or drugs or other intoxicating substances and/or in the alternative, was in actual physical control of a motor vehicle upon a highway or street or upon public or private property open to the public while having an alcohol concentration of .08 or greater, as shown by an analysis of his blood, urine or breath.

COUNT I PART TWO  
FELONY STATUS  
Idaho Code § 18-8005(6)

(Penalty: up to 10 years in prison and/or \$5,000 fine, and 1-5 year license suspension)

The Prosecuting Attorney for Madison County further informs the Court that, upon conviction, the Defendant, WILLIAM JACK BIAS will have been convicted three or more times within the past ten (10) years for driving while under the influence, namely: October 9, 2012, in Madison County, Idaho and January 25, 2012 in Montana, and is subject to the penalties for a felony offense.

COUNT II.  
INJURY TO CHILDREN, a Misdemeanor  
Idaho Code § 18-1501(3)

(Punishment: up to 6 months in jail and/or up to \$1,000 fine)

The Defendant, WILLIAM JACK BIAS, a person over the age of eighteen years, on or about September 4, 2012, in the County of Madison, State of Idaho, did, transport a minor to with [REDACTED] DOB [REDACTED] in a motor vehicle while under the influence of alcohol and/or drugs, in violation of Idaho Code § 18-8004.

DATED this 29<sup>th</sup> day of November, 2012.



Sid D. Brown, Prosecuting  
Attorney for Madison County



CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing PROSECUTING ATTORNEY'S INFORMATION was on this date served upon the person named below, at the address set out below his name, by mailing to him a true and correct copy of said document at the address set out below.

DATED this 29<sup>th</sup> day of November, 2012

R. James Archibald  
Attorney at Law  
525 9th Street  
Idaho Falls, Idaho 83404

  
\_\_\_\_\_  
Secretary

COURT MINUTES

CR-2012-0002873

State of Idaho vs. William Jack Bias

Hearing type: Arraignment

Hearing date: 12/3/2012

Time: 9:27 am

Judge: Gregory W Moeller

Courtroom: Brent J. Moss District Court

Court reporter: David Marlow

Minutes Clerk: Angie Wood

Tape Number:

Defense Attorney: R. Archibald

Prosecutor: Sid Brown

926 J INTRO

DEFENDANT NOT PRESENT

MR. ARCHIBALD REQUESTS CONTINUANCE

STATE DOES NOT OBJECT

COURT WILL GRANT CONTINUANCE

SET MATTER FOR DECEMBER 10, 2012 AT 9:00 A.M.

COURT MINUTES

CR-2012-0002873

State of Idaho vs. William Jack Bias

Hearing type: Arraignment

Hearing date: 12/10/2012

Time: 9:02 am

Judge: Gregory W Moeller

Courtroom: Brent J. Moss District Court

Court reporter: David Marlow

Minutes Clerk: Kris Rainey

Defense Attorney: R. Archibald

Prosecutor: Sid Brown

9:02 am      Introduction of Case

Advised of Rights

Advised of Charges and Possible Penalties

Defendant enters a Plea of Not Guilty at this time

Set this matter for Pre-Trial on January 14, 2013 at 11:00 am

Jury Trial on February 13/15, 2013

Court will issue standard Notice of Trial Setting

May remain out on bond

COURT MINUTES

CR-2012-0002873

State of Idaho vs. William Jack Bias

Hearing type: Pre-Trial

Hearing date: 1/14/2013

Time: 12:24 pm

Judge: Gregory W Moeller

Courtroom: Brent J. Moss District Court

Court reporter: David Marlow

Minutes Clerk: Angie Wood

Tape Number:

Defense Attorney: R. Archibald

Prosecutor: Sid Brown

1227 J INTRO

DEFENDANT NOT PRESENT

CASE HAS NOT BEEN RESOLVED

SET PRE-TRIAL TO JANUARY 28, 2013 AT 11:00 A.M.

COURT MINUTES

CR-2012-0002873

State of Idaho vs. William Jack Bias

Hearing type: Pre-Trial

Hearing date: 1/28/2013

Time: 11:33 am

Judge: Gregory W Moeller

Courtroom: Brent J. Moss District Court

Court reporter: David Marlow

Minutes Clerk: Angie Wood

Tape Number:

Defense Attorney: R. Archibald

Prosecutor: Sid Brown

1137 J INTRO

PARTIES ARE REQUESTING THAT JURY TRIAL BE CONTINUED

PT MOTIONS NEED TO BE FILED AND HEARD

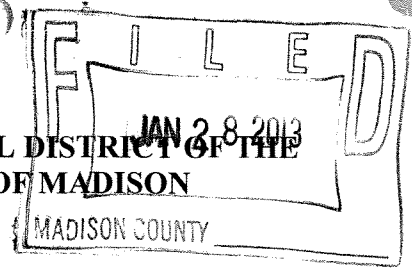
COURT TAKES RECESS AND COUNSEL VISITS WITH JUDGE IN CHAMBERS

PARTIES STIPULATE TO CONTINUE

COURT WILL CONTINUE MATTER TO FEBRUARY 27, 2013

SET FOR PT CONF ON FEB 11, 2013 AT 11:00 A.M.

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON



STATE OF IDAHO, )  
 )  
Plaintiff, )  
 )  
-vs.- )  
 )  
WILLIAM JACK BIAS, )  
 )  
Defendant. )  
\_\_\_\_\_ )

Case No. CR-2012-0002873

**NOTICE OF JURY TRIAL AND  
SCHEDULING ORDER**

PLEASE TAKE NOTICE that the above-entitled case is hereby set for a **JURY TRIAL** to commence on the 27th day of February, 2013, at 9:00 a.m., for 2 days. Said trial will be held at the Madison County Courthouse in Rexburg, Idaho.

IT IS HEREBY ORDERED:

1. Discovery shall be expeditiously conducted in accordance with the provisions of Idaho Criminal Rule 16.
2. All pretrial motions must be filed in accordance with the provisions and time requirements of Idaho Criminal Rule 12. In all cases filed outside of Madison County, copies of all motions, briefs, notices, and proposed jury instructions must be lodged with the judge in Madison County.
3. Pursuant to Idaho Criminal Rule 18, a formal **PRETRIAL CONFERENCE**, will be held on the 11th day of February, 2013 at 11:00 a.m.
  - a. Counsel for the parties and the defendant shall appear *in person* before this Court for the pretrial conference. Failure of the defendant to appear at this pretrial conference will result in a forfeiture of bail and the Court shall issue a bench warrant. Counsel shall be prepared to discuss settlement possibilities and other matters that would promote a fair and expeditious trial.
  - b. The parties shall submit all proposed jury instructions and witness lists to the Court at the pretrial conference. Standard Idaho Criminal Jury Instructions (ICJI) may be submitted by listing each proposed instruction by its ICJI number. Any nonstandard instructions, or standard instructions which have been modified or tailored in any way (i.e., the elements of the offense or the verdict form), must be filed as a court set (not numbered) and as an attorney set (with blanks indicating whether the instruction was "given," "refused," etc.). Copies of the instructions should be sent by e-mail to the court clerk.
  - c. If either party intends to introduce evidence covered by Idaho Rules of Evidence 404, 405, 406, 410, 412, 608 or 609, that party must disclose such evidence to opposing counsel on or before the date of the pre-trial conference.

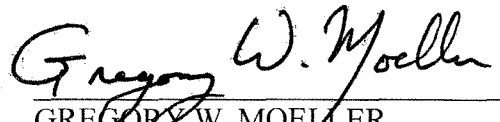
IT IS FURTHER ORDERED THAT NOT LATER THAN SEVEN (7) DAYS BEFORE TRIAL each attorney shall:

1. Exchange a descriptive list of exhibits proposed to offer into evidence.
2. Pre-file with the Clerk of the Court all exhibits they intend to introduce at trial, except those for impeachments.

IT IS HEREBY FURTHER ORDERED THAT

1. Prior to the commencement of trial, counsel for each party shall stipulate to those exhibits that may be received in evidence without objections, and the Clerk shall mark such exhibits "admitted."
2. No exhibits will be admitted into evidence at trial other than those disclosed, listed, and marked in accordance with this Order, except when offered for impeachment purposes.
3. Notices to prospective jurors will be mailed fourteen (14) days prior to the commencement of the trial. Any change of plea entered after that time may result in either or both parties being assessed the cost of postage, copies, and other court administrative expenses incurred in sending the juror notices.
4. This Order shall control the subsequent course of action unless modified for good cause shown to prevent manifest injustice.
5. The Court may impose appropriate sanctions for violation of this Order.
6. The Court will not grant continuances unless extraordinary circumstances exist and all parties waive their right to a speedy trial.

DATED this 28<sup>th</sup> day of January, 2013

  
GREGORY W. MOELLER  
District Judge

Copy: Prosecutor  
Defense Counsel

COURT MINUTES

CR-2012-0002873

State of Idaho vs. William Jack Bias

Hearing type: Pre-Trial

Hearing date: 2/11/2013

Time: 12:48 pm

Judge: Gregory W Moeller

Courtroom: Brent J. Moss District Court

Court reporter: David Marlow

Minutes Clerk: Angie Wood

Tape Number:

Defense Attorney: R. Archibald

Prosecutor: Sid Brown

1253 J INTRO

DEFENDANT WILL BE CHANGING HIS PLEA TO GUILTY ON THE DUI CHARGE AND THE  
REMAINING COUNT WILL BE DISMISSED

THERE IS NOT AN AGREEMENT AS TO SENTENCING

COURT INQUIRES OF DEFENSE COUNSEL

DEFENDANT PLACED UNDER OATH

COURT INQUIRES OF DEFENDANT

DEFENDANT ADVISED OF RIGHTS GIVEN UP WHEN GUILTY PLEA IS ENTERED

DEFENDANT ADVISED OF IMMIGRATION ISSUES

DEFENDANT ENTERS GUILTY PLEA

PARTIES STIPULATE TO FACTUAL BASIS FOR CHARGE

COURT FINDS PLEA WAS MADE KNOWINGLY, INTELLIGENTLY AND VOLUNTARILY

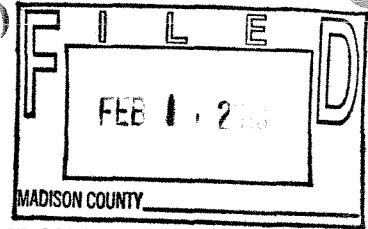


COURT ORDERS PSI AND SUBSTANCE ABUSE AND MENTAL HEALTH EVALUATION

RESET (Clerk, check if applicable)

ORIGINAL OF THIS DOCUMENT TO IDOC

Assigned to: \_\_\_\_\_  
Assigned: \_\_\_\_\_ Due Date: \_\_\_\_\_



SEVENTH JUDICIAL DISTRICT COURT, STATE OF IDAHO  
IN AND FOR MADISON COUNTY

STATE OF IDAHO,  
Plaintiff,

vs.

William Jack Bias

Ammon, ID 83406

Defendant.

DOB: \_\_\_\_\_  
DL or SSN: \_\_\_\_\_

Telephone: (208) 223-3320

Case No: CR-2012-0002873

ORDER FOR PRESENTENCE REPORT

Charge(s): Driving Under the Influence-(Third or Subsequent  
Offense) I18-8004 F  
Children-Injury to Child-Adult Transports Minor in Vehicle  
While Under the Influence I18-1501(3) F (TO BE  
DISMISSED PER PLEA AGREEMENT)

PSMH1- Order for Presentence Investigation Report and  
Mental Health Assessment

PSSA1- Order for Presentence Investigation Report and  
Substance Abuse Assessment

On this Monday, February 11, 2013, a **Pre-Sentence Investigation Report** was ordered by the Honorable Gregory W Moeller to be completed for court appearance on **Monday, March 18, 2013 at: 09:30 AM.**

Per Idaho Code §19-2516, the defendant is ordered to pay a Pre-Sentence Investigation Fee in an amount to be determined by the Idaho Department of Correction, not to exceed \$100.00.

Judge's Comments:

**EVALUATIONS TO BE DONE:** (Check Required Evaluation) Copy of Evaluation to be sent to Presentence Investigation Office

☒ Under § 19-2524 screening(s) are ordered. ☒ Mental Health ☒ Substance Abuse  
Full clinical assessments will be completed if indicated in screenings

☐ Sex Offender ☐ Drug & Alcohol ☐ Domestic Violence ☐ Other \_\_\_\_\_

☐ Evaluator: \_\_\_\_\_

DEFENSE COUNSEL: R. James Archibald PROSECUTOR: Sid D Brown

THE DEFENDANT IS IN CUSTODY: ☒ NO ☐ YES If yes where: \_\_\_\_\_

**PLEA AGREEMENT:** ☐ NO ☒ YES

\*\*\*\*\*

**ATTENTION DEFENDANT: IT IS ORDERED** that after you leave the courthouse TODAY you contact Brenda Hammon, the Pre-Sentence Investigator, (208) 356-3772, ext. 23, at the Department of Probation and Parole, located at 310 North 2<sup>nd</sup> East #115 Rexburg, to schedule an interview. IT IS FURTHER ORDERED that you furnish the Pre-Sentence Investigator with any information needed to complete the investigation. Please have your Pre-Sentence Investigation Personal History Questionnaire filled out completely prior to your interview. If you fail to comply with this Order, a bench warrant will be issued for your arrest.

Date: 2/11/2013

Signature: /s/ GREGORY W MOELLER

Judge

COURT MINUTES

CR-2012-0002873

State of Idaho vs. William Jack Bias

Hearing type: Sentencing

Hearing date: 3/18/2013

Time: 9:36 am

Judge: Gregory W Moeller

Courtroom: Brent J. Moss District Court

Court reporter: David Marlow

Minutes Clerk: Angie Wood

Tape Number:

Defense Attorney: R. Archibald

Prosecutor: Sid Brown

944 J INTRO

COURT REVIEWS CASE TO DATE

NO CORRECTIONS OR CLARIFICATIONS TO PSI

MR. BIAS WILL MAINTAIN HIS GUILTY PLEA

NO WITNESSES FOR DEFENDANT OR STATE

MR. ARCHIBALD MAKES RECOMMENDATIONS - PROBATION AND DRUG COURT

MR. BROWN RECOMMENDS PRISON

MR. BIAS MAKES STATEMENT TO THE COURT

UNIFIED SENTENCE OF 10 YEARS - FIXED 5 YEARS INDETERMINATE 5 YEARS

RECOMMEND THERAPUTIC COMMUNITY - SUBSTANCE ABUSE AND MENTAL HEALTH  
ISSUES ADDRESSED

\$1000

CC \$150.50

\$75

\$500 PUBLIC DEFENDER SERVICES

INTERLOCK FEE \$15.00

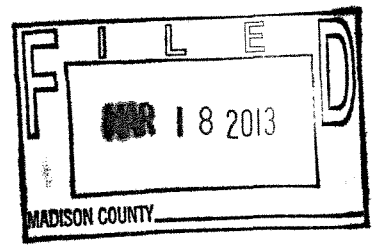
D/L SUSPENDED FOR 5 YEARS AFTER RELEASE FROM STATES CUSTODY

ANYTIME ON PAROLE MUST HAVE IGNITION INTERLOCK DEVICE

ADVISED OF RIGHT TO APPEAL, RULE 35 AND POST CONVICTION

DEFENDANT REMANDED TO CUSTODY OF THE SHERIFFS OFFICE

ATTORNEY ADVISED TO SUBMIT PSI



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	Case No. CR-2012-0002873
	)	
	)	
vs.	)	<b>JUDGMENT OF CONVICTION</b>
	)	
WILLIAM JACK BIAS,	)	
	)	
	)	
Defendant.	)	
_____	)	

On December 10, 2011 William Jack Bias was arraigned before the Honorable Gregory W. Moeller, District Judge of the Seventh Judicial District Court in and for the County of Madison.

The defendant was fully informed by the Court of the nature of the charges; Count I: Operating a Vehicle While Under the Influence of Alcohol and/or Drugs, as set forth in the Information, a violation of Idaho Code Section 18-8004(1)(a), felony, and Count II: Injury to a Child, as set forth in the Information, a violation of Idaho Code Section 18-1501(3), felony, which was committed on or about September 4, 2012.

Through due process of law the said Defendant did plead guilty to Count I as set forth in the Information. Count II was dismissed by motion of the Prosecuting Attorney.

On March 18, 2013 the Prosecuting Attorney together with the above named defendant and his counsel of record, R. James Archibald appeared before the Court for the pronouncement of sentence upon the defendant. Upon inquiry from the Court, the defendant advised that he did not wish to withdraw his guilty plea. Further, counsel for the defendant was provided the opportunity to speak on behalf of the defendant and the Court addressed the defendant personally and advised the defendant of his right to make a statement in his own behalf and to present any information in mitigation of punishment. The defendant was asked if there was any legal cause why sentence should not be pronounced and no sufficient cause was given. Based upon the foregoing, together with all the evidence before the Court, and the Court being fully advised in the law and the premises:

IT IS ORDERED, ADJUDGED AND DECREED that the defendant is guilty of the crime of Operating a Vehicle While Under the Influence of Alcohol and/or Drugs, as charged in the Information and in execution thereof, IT IS FURTHER ORDERED, that the defendant be sentenced to the custody of the Idaho State Board of Corrections to a unified sentence of ten (10) years, consisting of a minimum five (5) years fixed; which shall be followed by an indeterminate period not to exceed five (5) years. The defendant shall be given credit for all time served on this case.

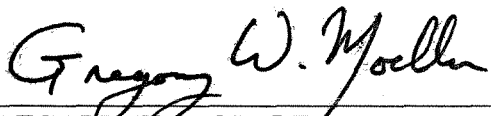
The court recommends that the defendant be provided access to the therapeutic community to address substance abuse and mental health issues.

The defendant's driving privileges shall be suspended for a period of five (5) years after release from incarceration. After the five (5) year suspension period the defendant shall be required to install an Ignition Interlock Device during the entire period of his parole.

A fine of \$1000.00 shall be imposed. Defendant must pay \$150.50 in court costs, \$15.00 Interlock fee and \$75.00 to the Victim's Relief Fund. \$500.00 reimbursement shall be paid to Madison County for Public Defender fees.

The defendant shall be remanded to the custody of the Sheriff of Madison County for incarceration in the Madison County Jail pending transport. The defendant shall then be delivered to the custody of the Director of the State Board of Corrections.

Dated this 18<sup>th</sup> day of March, 2013.

  
\_\_\_\_\_  
GREGORY W. MOELLER  
District Judge

CERTIFICATE OF SERVICE

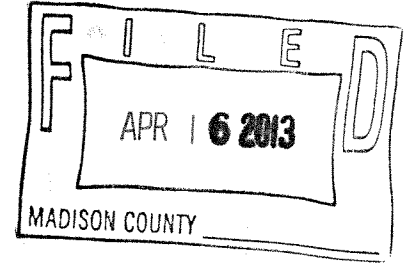
I hereby certify that on this 18<sup>th</sup> day of March, 2013 I did send a true and correct copy of the foregoing document upon the parties listed below by mailing, with the correct postage thereon; by causing the same to be placed in the respective courthouse mailbox; or by causing the same to be hand-delivered.

State  
Defense Counsel  
Probation and Parole  
Sheriff Office - Jail  
IDOC

Kim H. Muir  
Clerk of the District Court  
Madison County, Idaho

By AWood  
Deputy Clerk

R. James Archibald, Esq.  
Idaho State Bar #4445  
525 Ninth St.  
Idaho Falls, Idaho 83404  
Telephone: (208) 524-4002  
Facsimile: (208) 524-4131  
Attorney for Defendant



DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT  
IN AND FOR MADISON COUNTY, IDAHO

---

STATE OF IDAHO,

Plaintiff,

Case No.: CR-2012-2873

vs.

Rule 35 Motion - Plea for Leniency

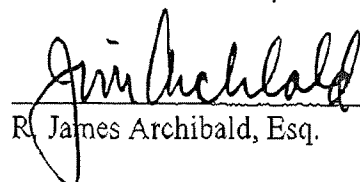
WILLIAM BIAS,

Defendant.

---

Comes now the Defendant, through his attorney, and pursuant to Rule 35, Idaho Criminal Rules, moves the court for leniency, and requests that the Court suspend the sentence and retain jurisdiction.

Dated: April 16, 2013.

  
R. James Archibald, Esq.



**CERTIFICATE OF SERVICE**

I certify that on this day I served a true and correct copy of the foregoing document on the following:

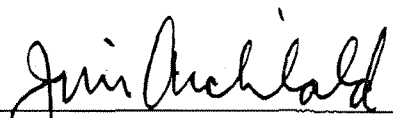
Madison County Prosecuting Attorney

- ☐ US MAIL
- ☒ FAX 356-7839
- ☐ HAND DELIVERY
- ☐ COURTHOUSE BOX

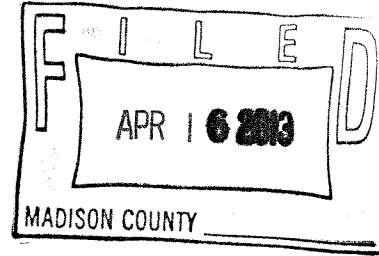
Clerk of the Court

- ☐ US MAIL
- ☒ FAX 356-5425
- ☐ HAND DELIVERY
- ☐ COURTHOUSE BOX

Dated: April 16, 2013.

  
\_\_\_\_\_  
R. James Archibald, Esq.

R. James Archibald, Esq.  
Idaho State Bar #4445  
525 Ninth Street  
Idaho Falls, Idaho 83404  
Telephone: (208) 524-4002  
Facsimile: (208) 524-4131  
Attorney for Defendant



DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT

IN AND FOR MADISON COUNTY, IDAHO

STATE OF IDAHO,

Plaintiff,

Case No.: CR-2012-2873

vs.

NOTICE OF APPEAL

WILLIAM BIAS,

Defendant.

To: The above named respondents, State of Idaho, through their attorney Sid D. Brown, Esq., and the Clerk of the above entitled Court:

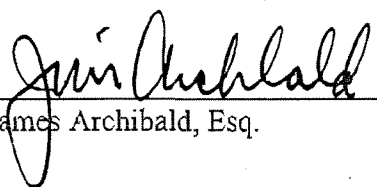
Notice is hereby given that:

1. The above named appellant, William Bias, appeals against the above named respondent, State of Idaho, to the Idaho Supreme Court from the Sentence dated March 18, 2013, Honorable Gregory W. Moeller, presiding.

2. The party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Rule 11c, Idaho Appellate Rules.
3. A preliminary statement of the issues on appeal which the appellant intends to assert in the appeal; provided, any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is as follows:
  - a. Did the Court abuse its discretion in imposing the sentence?
4. Appellant is aware of a portion of the record being sealed, including the pre-sentence report and evaluation.
5. The entire reporter's standard transcript of the proceedings is requested in compressed format.
6. The appellant requests the following documents to be included in the clerk's record in addition to those automatically included under Rule 28, I.A.R.: all pre-sentence reports and evaluations.
7. I certify:
  - a. That a copy of this notice of appeal has been served on the reporter.
  - b. That the clerk of the district court has not been paid the estimated fee for preparation of the reporter's transcript because the Defendant is indigent and had qualified for the services of a public defender.
  - c. That the estimated fee for preparation of the clerk's record has not been paid because the Defendant is indigent and qualified for the services of a public defender.

- d. That the appellate filing fee has not been paid because the Defendant is indigent and qualified for the services of a public defender.
- e. That service has been made upon all parties required to be served pursuant to Rule 20.

Dated: April 16, 2013.

  
R. James Archibald, Esq.

### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this day I served a true and correct copy of the foregoing document on the following:

District Court

Fax

Sid D. Brown, Esq.  
Madison County Prosecuting Attorney

Fax

David Marlow, Court Reporter  
159 E. Main St.  
Rexburg, Idaho 83440

U.S. Mail

Idaho Supreme Court  
P.O. Box 83720  
Boise, Idaho 83720

U.S. Mail


Idaho Attorney General  
P.O. Box 83720  
Boise, Idaho 83720

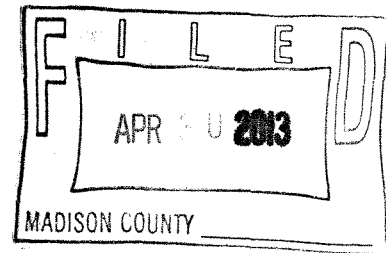
U.S. Mail

Idaho Appellate Public Defender  
3647 Lake Harbor Lane  
Boise, Idaho 83703

U.S. Mail

Dated: April 16, 2013.

  
R. James Archibald, Esq.



R. James Archibald, Esq.  
Idaho State Bar #4445  
525 Ninth St.  
Idaho Falls, Idaho 83404  
Telephone: (208) 524-4002  
Facsimile: (208) 524-4131  
Attorney for Defendant

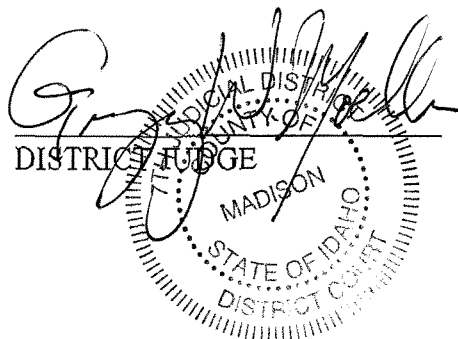
DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT  
IN AND FOR MADISON COUNTY, IDAHO

STATE OF IDAHO,  Plaintiff,  vs.  WILLIAM BIAS,  Defendant.	Case No.: CR-2012-2873  ORDER TO APPOINT APPELLATE PUBLIC DEFENDER
-------------------------------------------------------------------------------------	-----------------------------------------------------------------------------

Due to the Defendant's Notice of Appeal being filed, together with the Defendant being indigent, and Madison County having contracted for the services of the Idaho State Appellate Public Defender's Office to pursue such appeals,

It is hereby ordered that Idaho State Appellate Public Defender's Office shall represent Defendant for this appeal.

DATED this 25<sup>th</sup> day of April, 2013.



# NOTICE OF ENTRY

I certify that on this day I served a true and correct copy of the foregoing document on the following:

Madison County Prosecuting Attorney  
159 E. Main  
P.O. Box 350  
Rexburg, ID 83440

- ☐ U.S. Mail, postage prepaid
- ☐ Designated courthouse box
- ☐ Hand-delivered
- ☒ Fax: (208) 356-7839

Idaho Appellate Public Defender  
3050 Lake Harbor Lane, Suite 100  
Boise, ID 83703

- ☐ U.S. Mail, postage prepaid
- ☐ Designated courthouse box
- ☐ Hand-delivered
- ☒ Fax: (208) 334-2985

R. James Archibald, Esq.  
525 Ninth Street  
Idaho Falls, ID 83404

- ☐ U.S. Mail, postage prepaid
- ☐ Designated courthouse box
- ☐ Hand-delivered
- ☒ Fax: (208) 524-4131

DATED this 30 day of April, 2013.



**STATE OF IDAHO**

VS

Defendant-Appellant

CLERK'S CERTIFICATE OF  
APPEAL

BY

CLERK'S CERTIFICATE OF APPEAL  
PAGE 60

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

<b>STATE OF IDAHO</b>	)	
	)	
Plaintiff-Respondent	)	SUPREME COURT NO. 40930
	)	CASE NO. CR-2012-2873
	)	<u>Amended</u>
vs	)	CLERK'S CERTIFICATE OF
	)	APPEAL
<b>WILLIAM BIAS</b>	)	
	)	
Defendant-Appellant	)	
	)	

---

APPEAL FROM: 7<sup>th</sup> Judicial District Madison County  
HONORABLE Gregory W. Moeller PRESIDING  
CASE NO. FROM COURT: CR-2012-2873  
ORDER OF JUDGMENT APPEALED FROM: Judgment of Conviction, Dated, March 18,  
2013  
ATTORNEY FOR APPELLANT: Idaho State Appellate Public Defender 3050 Lake Harbor  
Lane, Suite 100, Boise, ID 83703  
ATTORNEY FOR THE RESPONDENT: Idaho Attorney General, PO Box 83720, Boise, ID  
83720  
APPEALED BY: William Bias  
APPEALED AGAINST: State of Idaho  
NOTICE OF APPEAL FILED: April 16, 2013  
AMENDED NOTICE OF APPEAL FILED: NA  
NOTICE OF CROSS-APPEAL FILED:  
AMENDED NOTICE OF CROSS-APPEAL FILED: NA  
APPELLATE FEE PAID: NO  
RESPONDENT OR CROSS RESPONDENT'S REQUEST FOR ADDITIONAL RECORD:  
NA  
WAS DISTRICT COURT REPORTER'S TRANSCRIPT REQUESTED?: Yes  
IF SO, NAME OF REPORTER: David Marlow, 159 East Main, Rexburg, ID 83440  
ESTIMATED NUMBER OF PAGES: Not Specified

Dated this 2 day of May 2013

Kim H Muir

BY



DEPUTY CLERK



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR MADISON COUNTY

STATE OF IDAHO	)	
	)	
	)	
	)	
PLAINTIFF-	)	SUPREME COURT NO. 40930
RESPONDENT	)	CASE NO. CR-2012-2873
VS	)	CERTIFICATE OF EXHIBITS
	)	
WILLIAM BIAS	)	
	)	
DEFENDANT-	)	
APPELLANT	)	
	)	

I, Gwen Cureton, Deputy Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for Madison County, do hereby certify that the following is a list of the exhibits, offered or admitted and which have been lodged with the Supreme Court or retained as indicated:

NO.	DESCRIPTION	SENT/RETAINED
	PRESENTENCE REPORT	SENT AS CONFIDENTIAL EXHIBIT

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 28 day of May, 2013.

KIM H MUIR  
CLERK OF THE DISTRICT COURT

By

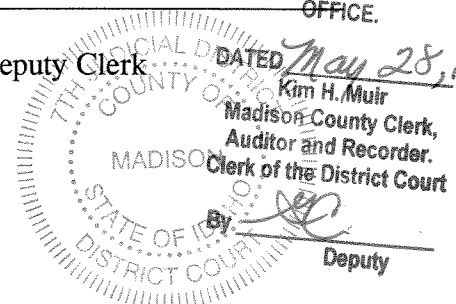
Deputy Clerk

CERTIFICATE  
I HEREBY CERTIFY THE  
FORESAID INSTRUMENT  
TO BE A TRUE AND COR-  
RECT COPY OF THE ORIG-  
INAL ON FILE IN MY  
OFFICE.

DATED May 28, 13

Kim H. Muir  
Madison County Clerk,  
Auditor and Recorder.  
Clerk of the District Court

Deputy



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

STATE OF IDAHO	)	
	)	
PLAINTIFF-RESPONDENT	)	CLERK'S CERTIFICATE
	)	
VS	)	SUPREME COURT NO. 40930
	)	CASE NO. CR-2012-2873
WILLIAM BIAS	)	
	)	
DEFENDANT-APPELLANT	)	

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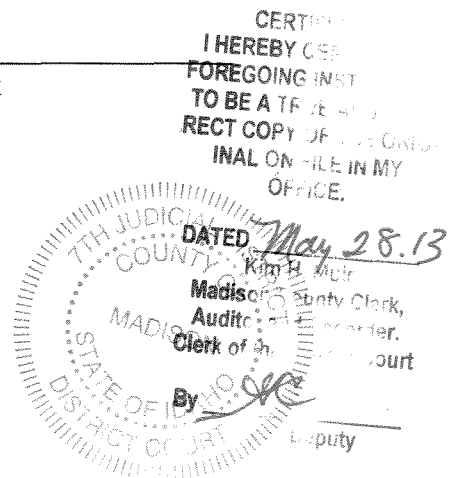
I, Kim H Muir, Clerk of the District Court of the 7<sup>th</sup> Judicial District of the State of Idaho, in and for the County of Madison, do hereby certify that the foregoing Clerk's Record in the above entitled cause was compiled and bound under my direction and contains true and correct copies of all pleadings, documents and papers designated to be included under Rule 28, IAR, the Notice of Appeal, any Notice of Cross Appeal, and any additional documents requested to be included.

I further certify that all documents, x-rays, charts and pictures offered or admitted as exhibits in the above entitled cause, if any, will be duly lodged with the Clerk of the Supreme Court with any Reporter's Transcript and the Clerk's Record (except for exhibits, which are retained in the possession of the undersigned), as required by Rule 31 of the Appellate Rules.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 28 day of May, 2013

KIM H MUIR  
CLERK OF THE DISTRICT COURT

By   
Deputy Clerk



IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF MADISON

STATE OF IDAHO  
Plaintiff-Respondent

VS

WILLIAM BIAS  
Defendant-Appellant

CERTIFICATE OF SERVICE  
CASE NO. CR-2012-2873  
SUPREME COURT NO. 40930

I, Gwen Cureton, Deputy Clerk of the District Court of the Seventh Judicial District of the State of Idaho, in and for the County of Madison, do hereby certify that I have personally served or mailed, by United States Mail, postage prepaid, one copy of the Clerk's Record and any Reporter's Transcript to each of the parties or their Attorney of Record as follows:

Idaho State Public Defender's Office  
3050 Lake Harbor Lane, Suite 100  
Boise, ID 83703

Idaho Attorney General  
PO Box 83720  
Boise, ID 83720-0010

ATTORNEY FOR APPELLANT

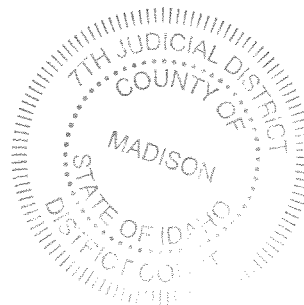
ATTORNEY FOR RESPONDENT

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of  
the said Court this 28 day of May, 2013

KIM H MUIR  
CLERK OF THE DISTRICT COURT

By 

Deputy Clerk



CERTIFICATE  
I HEREBY CERTIFY THE  
FOREGOING INSTRUMENT  
TO BE A TRUE AND COR-  
RECT COPY OF THE ORIG-  
INAL ON FILE IN MY  
OFFICE.

DATED May 28, 13  
Kim H. Muir  
Madison County Clerk,  
Auditor and Recorder.  
Clerk of the District Court

By 

Deputy